



JOHN R. ASHCROFT

SECRETARY OF STATE
STATE OF MISSOURI

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

ELECTIONS DIVISION
(573) 751-2301

January 24, 2022

RECEIVED

JAN 24 2022

STATE AUDITORS OFFICE

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Connor Toth regarding a proposed constitutional amendment to Article VIII (2022-085)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Connor Toth on January 24, 2022.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same measure for the same election, or to sign a petition when such person knows he or she is not a registered voter.

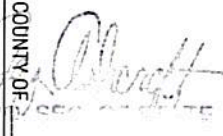
County: _____

INITIATIVE PETITION

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri: We, the undersigned, registered voters of the state of Missouri and _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2022, and each for himself or herself says: I have personally signed this petition, I am a registered voter of the state of Missouri and _____ County (or city of St. Louis), my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

Page No: _____

(Official Ballot title) _____

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CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____, I, _____, being first duly sworn, say (print or type names of signers)

NAME (Signature)	DATE SIGNED	REGISTERED VOTING ADDRESS (Number)(Street), (City, Town or Village)	ZIP CODE	CONGR. DIST.	NAME (Printed or Typed)
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence, I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County, FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY. I am at least 18 years of age. I do ____ do not ____ (check one) expect to be paid for circulating this petition. If paid, list the payer _____

Signature of Affiant (Person obtaining signatures)

Street Address of Affiant

Printed Name of Affiant

City, State and Zip Code of Affiant

Subscribed and sworn to before me this ____ day of _____, A.D. _____

Signature of Notary

Address of Notary

(Notary Seal)

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Article VIII, Section 24 of the Constitution is enacted to read as follows:

1. As used in this section, the following terms mean:

- (1) "Instant runoff voting", a procedure of voting as described under this section that requires a candidate to receive a majority rather than a plurality of all votes cast for an elected office before the candidate wins the election and that allows voters to cast votes for candidates on a ranked-choice ballot;
- (2) "Ranked-choice ballot" or "ballot", a ballot that allows voters to cast a vote for multiple candidates in order of preference by assigning a rank to each candidate for the office;
- (3) "Continuing ballot", a ballot that has not been exhausted by the instant runoff vote;
- (4) "Continuing candidate", a candidate who has not been eliminated by the instant runoff vote;
- (5) "Exhausted ballot", a ballot on which all votes cast are for candidates who have been eliminated;
- (6) "Federal elected office", any federal office including, but not limited to, United States President, United States presidential elector, United States Senator, or United States Representative;
- (7) "State elected office", any elected office of the state including, but not limited to, governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor, supreme court judge, circuit court judge, associate circuit court judge, general assembly senator, or general assembly representative;
- (8) "Local elected office", any office that requires voters go to the polls to elect candidates including, but not limited to, local offices such as any county, township, city, town, village, fire district, library district, port authority, school district, or special district office;

2. Beginning on January 1, 2026, all primary and general elections for federal elected office or state elected office shall implement instant runoff voting and ranked-choice ballots.

3. Beginning January 1, 2026, election authorities shall implement instant runoff voting for primary and general elections for local elected office. A political subdivision, special district, or county that is subject to this section may opt out of the instant runoff requirements of this section by ordinance or rule, provided that written notice of such action is transmitted to the election authority no later than thirty days prior to the filing deadline for placing any candidate or measure on the ballot. Any election authority may use multiple ballot styles or ballots in order to accommodate the counting of votes under this section.

4. Votes for all candidates elected using instant runoff voting and ranked-choice ballots shall be counted and recorded and certified in the following manner:

- (1) Each ranked-choice ballot shall be counted as one vote for the continuing candidate whom the voter selects as the voter's highest preference of continuing candidates. A candidate shall not receive a vote after such candidate has been eliminated in instant runoff voting. A candidate for whom the voter noted a lower preference shall not receive a vote unless and until that candidate is the continuing candidate with the highest preference on the voter's ranked-choice ballot;
- (2) If a candidate receives a majority of the votes cast in the first count of instant runoff votes, that candidate shall be certified as the winner;
- (3) If no candidate receives a majority of votes after the first count of instant runoff votes, the candidate who received the fewest votes shall be eliminated, and each vote cast for such eliminated candidate shall be redistributed to the continuing candidate whom the voter noted as the voter's next highest preference. If, after this redistribution of votes, any continuing candidate receives a majority of the votes cast on the continuing ballots, that continuing candidate shall be certified as the winner;
- (4) If no candidate receives a majority of the votes cast on the continuing ballots after the procedure described in subdivision (3) of this subsection, the continuing candidate who received the fewest votes shall be eliminated. Each vote cast for such eliminated candidate shall be redistributed to the continuing candidate whom the voter noted as the voter's next highest preference. This process of eliminating the candidate with the fewest votes and redistributing such eliminated candidate's votes to the voter's next highest preferred continuing candidate shall be repeated until a candidate receives a majority of the votes cast on the continuing ballots;
- (5) If the total number of votes for the two or more candidates credited with the lowest number of votes is fewer than the number of votes credited to the continuing candidate with the next highest number of votes, those candidates with the lowest number of votes shall be eliminated simultaneously and their votes transferred to the next ranked continuing candidate on each ballot in a single counting operation; and
- (6) A tie between two or more candidates shall be resolved by weighting the preference of votes for each candidate and decided in favor of the candidate who received more votes at a higher preference. If a tie still exists between two or more candidates, the tie shall be resolved by a uniformly random selection method conducted by the election authority and votes of the eliminated candidate shall be redistributed to the continuing candidate whom the voter selected as the voter's next highest preference.

5. As used in the following subsection, the following terms mean:

- (1) "Election quota", the number of votes sufficient for a candidate to be certified as a winner. The election quota is defined to be equal to the integer part of $((\text{total valid votes cast})/(\text{seats to be elected} + 1)) + 1$;
- (2) "Transfer value", the proportion of a vote that a ballot will contribute to its highest-ranked continuing candidate with an initial value of one;

(3) “Surplus fraction”, for an elected candidate, a number equal to (candidate’s vote total at time of designation as elected - election quota)/(candidate’s vote total at time of designation as elected) rounded down to four decimal places and ignoring any remainder;

6. For elections in which more than one candidate is to be elected to an office in a multiple-seat district or on a governing body that includes multiple at-large seats, a ranked-choice ballot shall be used. The ballots shall be counted and certified in the following manner:

(1) Each ranked-choice ballot shall be counted at its current transfer value for the continuing candidate whom the voter selects as the voter’s highest preference of continuing candidates. A candidate shall not receive a vote after such candidate has been eliminated in instant runoff voting. A candidate for whom the voter noted a lower preference shall not receive a vote unless and until that candidate is the continuing candidate with the highest preference on the voter’s ranked choice ballot;

(2) If the number of continuing candidates is less than or equal to the number of seats to be filled, then continuing candidates are elected and tabulation is complete. If the number of elected candidates is equal to the number of seats to be filled, then all non-elected candidates are eliminated and tabulation is complete. If the sum of the number of elected candidates and the number of continuing candidates is equal to the number of seats to be filled, then all continuing candidates are certified as winners and tabulation is complete. Otherwise, tabulation proceeds pursuant to paragraph (3).

(3) If any continuing candidate has a number of votes greater than or equal to the election quota, then that candidate shall be certified as a winner. Each ballot counting for an elected candidate is assigned a new transfer value by multiplying the ballot’s current transfer value by the surplus fraction for the elected candidate rounded down to four decimal places and ignoring any remainder. If each of two or more candidates has a number of votes greater than or equal to the election quota for the election at the same time, the surpluses shall be distributed simultaneously. Each candidate elected under this paragraph is deemed to have a number of votes equal to the election quota in all future rounds and a new round begins pursuant to paragraph (2).

(4) If no candidate is elected pursuant to paragraph (3), then all candidates in the elimination batch for the round are eliminated through batch elimination. Votes for eliminated candidates shall be transferred to each ballot’s next ranked continuing candidate and a new round begins pursuant to paragraph (2).

7. If the voting system used by an election authority cannot feasibly accommodate choices equal to the total number of candidates running for each office, the election authority may limit the number of choices a voter may rank to no fewer than three per open seat. The ballot shall in no way interfere with a voter’s ability to cast a write-in vote for a candidate.

8. No exhausted ballot shall be counted in further stages of the tabulation. If a ranked-choice ballot gives equal rank to two or more candidates, the ballot shall be declared exhausted if such multiple rankings are reached. If a voter casts a ranked-choice ballot but skips a rank, the voter’s vote shall be transferred to that voter’s next ranked choice.

9. Any election dispute regarding the implementation of a limit on the number of ranked candidates on a ballot under subsection 7 of this section shall be first appealed to the secretary of state for a final order and thereafter may be appealed to any court of competent jurisdiction.

10. All provisions in this section shall govern instant runoff voting and ranked-choice ballots.

11. The secretary of state shall conduct a voter education campaign to familiarize voters with the instant runoff voting systems and ranked-choice ballots. The voter education campaign may be conducted through existing voter outreach channels.

12. On the effective date of this section, any voting machine not compatible with instant runoff voting that is removed from any election authority’s inventory due to mechanical malfunction, wear and tear, or any other reason shall not be replaced. No additional voting machines not compatible with instant runoff voting shall be added to the inventory of any election authority. The provisions of this subsection shall not require the breach of an existing contract.

13. Instant runoff voting shall be applied by an election authority when a sufficient inventory of instant runoff voting compatible equipment is acquired through the replacement of existing equipment under subsection 11 of this section.

14. The examination and certification of the instant runoff voting system shall be conducted in the same manner as other automated systems and in accordance with applicable federal standards. The instant runoff voting system shall be certified before it is implemented.

15. The secretary of state may allow the submission of a new voting system to accommodate instant runoff voting, but shall require independent testing and certification and retention of records for any modifications made to existing voting systems. The manufacturer of the voting system shall retain legal authority to provide all software data to the secretary of state.

16. Upon implementation of the instant runoff voting system, the local election authority shall be required to verify the election results using statistically random sample sizes to limit the margin of error to less than one percent.

17. The secretary of state may promulgate rules as necessary for the implementation of this section.

18. If any provision of this section or the application thereof to anyone or any circumstance is held invalid, the remainder of those provisions and the application of such provisions to others or other circumstances shall not be affected thereby.